

By: Denny, Pitts, Woolley, Nixon, Bohac,  
et al. H.B. No. 1706

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a voter to present proof of identification.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 62, Election Code, is amended by adding  
5 Section 62.016 to read as follows:

6 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
7 POLLING PLACES. The presiding judge shall post in a prominent place  
8 on the outside of each polling location notice that a provisional  
9 ballot will be provided to a person who executes the appropriate  
10 affidavit and a list of the acceptable forms of photographic and  
11 nonphotographic identification. The notice and list must be  
12 printed:

13 (1) in English, Spanish, and any other language  
14 appropriate to the precinct in which the polling place is located;  
15 and

16 (2) using a font that is at least 24 point.

17 SECTION 2. Section 63.001, Election Code, is amended by  
18 amending Subsections (b), (c), (d), and (f) and adding Subsection  
19 (g) to read as follows:

20 (b) On offering to vote, a voter must present to an election  
21 officer at the polling place the voter's voter registration  
22 certificate and either:

23 (1) one form of identification listed in Section  
24 63.0101(a); or

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3 (c) On presentation of the documentation required by  
4 Subscction (b) [a registration certificate], an election officer  
5 shall determine whether the voter's name on the registration  
6 certificate is on the list of registered voters for the precinct.

10 (f) After determining whether to accept a voter, an election  
11 officer shall return the voter's documentation [registration  
12 certificate] to the voter.

13        (g) If the requirements for identification prescribed by  
14        Subsection (b)(1) or (2) are not met, the voter shall be accepted  
15        for provisional voting only under Section 63.011.

16 SECTION 3. Chapter 63, Election Code, is amended by adding  
17 Section 63.0012 to read as follows:

18                   Sec. 63.0012. USE OF ADDRESS ON IDENTIFICATION. (a) This  
19                   section applies only to a voter who:

20 (1) presents a registration certificate;

25        (b) In verifying the identity of a voter described by  
26        Subsection (a) under Section 63.001, an election officer may not  
27        consider whether the voter's address on a form described by Section

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1       63.001(b)(1) or (2) matches the voter's address on the registration  
2       certificate or the list of registered voters.

3           SECTION 4. Section 63.006(a), Election Code, is amended to  
4       read as follows:

5           (a) A voter who, when offering to vote, presents a voter  
6       registration certificate indicating that the voter is currently  
7       registered in the precinct in which the voter is offering to vote,  
8       but whose name is not on the precinct list of registered voters,  
9       shall be accepted for voting if the voter's identity can be verified  
10      from the proof presented.

11           SECTION 5. Section 63.007(a), Election Code, is amended to  
12       read as follows:

13           (a) A voter who, when offering to vote, presents a voter  
14       registration certificate indicating that the voter is currently  
15       registered in a different precinct from the one in which the voter  
16       is offering to vote, and whose name is not on the precinct list of  
17       registered voters, shall be accepted for voting if the voter's  
18      identity can be verified from the proof presented and the voter  
19      executes an affidavit stating that the voter:

20                (1) is a resident of the precinct in which the voter is  
21       offering to vote or is otherwise entitled by law to vote in that  
22       precinct;

23                (2) was a resident of the precinct in which the voter  
24       is offering to vote at the time that information on the voter's  
25       residence address was last provided to the voter registrar;

26                (3) did not deliberately provide false information to  
27       secure registration in a precinct in which the voter does not

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1 reside; and

2 (4) is voting only once in the election.

3 SECTION 6. Section 63.008(a), Election Code, is amended to  
4 read as follows:

5 (a) A voter who does not present a voter registration  
6 certificate when offering to vote, but whose name is on the list of  
7 registered voters for the precinct in which the voter is offering to  
8 vote, shall be accepted for voting if the voter executes an  
9 affidavit stating that the voter does not have the voter's voter  
10 registration certificate in the voter's possession at the polling  
11 place at the time of offering to vote and the voter's identity can  
12 be verified from the proof presented ~~[voter presents proof of~~  
13 ~~identification in a form described by Section 63.0101]~~.

14 SECTION 7. Section 63.0101, Election Code, is amended to  
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
17 (a) The following documentation is an acceptable form ~~[as proof]~~ of  
18 photo identification under this chapter:

19 (1) a driver's license or personal identification card  
20 issued to the person by the Department of Public Safety or the  
equivalent agency of another state that has not expired or that  
expired no earlier than two years before the date of presentation  
[or a similar document issued to the person by an agency of another  
state, regardless of whether the license or card has expired];

25 (2) a United States military identification card that  
26 contains the person's photograph ~~[form of identification~~  
27 ~~containing the person's photograph that establishes the person's~~

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1     identity;

2                     (3) a valid employee identification card that contains  
3 the person's photograph and is issued by an employer of the person  
4 in the ordinary course of the employer's business [birth  
5 certificate or other document confirming birth that is admissible  
6 in a court of law and establishes the person's identity];

7                     (4) a United States citizenship certificate [papers]  
8 issued to the person that contains the person's photograph;

9                     (5) a United States passport issued to the person;

10                    (6) a student identification card issued by a public  
11 or private institution of higher education that contains the  
12 person's photograph [official mail addressed to the person by name  
13 from a governmental entity];

14                    (7) a license to carry a concealed handgun issued to  
15 the person by the Department of Public Safety;

16                    (8) an identification card issued by a state agency of  
17 this state that contains the person's photograph; or

18                    (9) an identification card that contains the person's  
19 photograph and is issued by a county elections administrator or a  
20 county clerk.

21                    (b) The following documentation is acceptable as proof of  
22 identification under this chapter:

23                    (1) a copy of a current utility bill, bank statement,  
24 government check, paycheck, or other government document that shows  
25 the name and address of the voter;

26                    (2) official mail addressed to the person by name from  
27 a governmental entity;

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23 [ (8) any other form of identification prescribed by  
24 the secretary of state].

25                   (c) The commissioners court of a county may authorize the  
26 county elections administrator or the county clerk, as applicable,  
27 to issue photo identification cards that may be used as proof of a

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1        voter's identification under Subsection (a).

2            SECTION 8. Sections 63.011(a) and (b), Election Code, are  
3        amended to read as follows:

4            (a) A person to whom Section 63.001(g), 63.008(b), or  
5        63.009(a) applies may cast a provisional ballot if the person  
6        executes an affidavit stating that the person:

7                (1) is a registered voter in the precinct in which the  
8        person seeks to vote; and

9                (2) is eligible to vote in the election.

10            (b) A form for the affidavit shall be printed on an envelope  
11        in which the provisional ballot voted by the person may be placed  
12        and must include a space for entering the identification number of  
13        the provisional ballot voted by the person and a space for an  
14        election officer to indicate whether the person presented proof of  
15        identification as required by Section 63.001(b)(1) or (2). The  
16        affidavit form may include space for disclosure of any necessary  
17        information to enable the person to register to vote under Chapter  
18        13. The secretary of state shall prescribe the form of the  
19        affidavit under this section.

20            SECTION 9. Section 65.054(b), Election Code, is amended to  
21        read as follows:

22            (b) A provisional ballot may be accepted only if:

23                (1) the board determines that, from the information in  
24        the affidavit or contained in public records, the person is  
25        eligible to vote in the election; and

26                (2) the voter presents proof of identification as  
27        required by Section 63.001(b)(1) or (2):

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4 SECTION 10. Subchapter B, Chapter 65, Election Code, is  
5 amended by adding Section 65.0541 to read as follows:

6                   Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
7                   PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
8                   voting under Section 63.011 because the voter does not present  
9                   proof of identification as required by Section 63.001(b)(1) or (2)  
10                  may submit proof of identification to the voter registrar by  
11                  personal delivery or by mail for examination by the early voting  
12                  ballot board not later than the fifth day after the date of the  
13                  election.

14                   (b) The early voting ballot board shall accept a provisional  
15                   ballot under Section 65.054 if the voter:

18 (2) is otherwise eligible to vote in the election.

19                   (c) The office of the voter registrar shall be open on a  
20 Saturday that falls within the five-day period described by  
21 Subsection (a) for a voter to present identification as provided  
22 under this section.

23 (d) The secretary of state shall prescribe procedures as  
24 necessary to implement this section.

25 SECTION 11. Section 521.422, Transportation Code, is  
26 amended by amending Subsection (a) and adding Subsection (d) to  
27 read as follows:

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1                   (a) Except as provided by Subsection (d), the [The] fee for  
2 a personal identification certificate is:

3                   (1) \$15 for a person under 60 years of age;

4                   (2) \$5 for a person 60 years of age or older; and

5                   (3) \$20 for a person subject to the registration  
6 requirements under Chapter 62, Code of Criminal Procedure.

7                   (d) The department may not collect a fee for a personal  
8 identification certificate issued to a person who executes an  
9 affidavit stating that the person is financially unable to pay the  
10 required fee and:

11                   (1) who is a registered voter in this state and  
12 presents a valid voter registration certificate; or

13                   (2) who is eligible for registration under Section  
14 13.001, Election Code, and submits a registration application to  
15 the department.

16                   SECTION 12. The changes in law made by this Act take effect  
17 only if:

18                   (1) the United States District Court for the District  
19 of Columbia issues a declaratory judgement under 42 U.S.C. Section  
20 1973c that this Act does not have the purpose and will not have the  
21 effect of denying or abridging the right to vote on account of race  
22 or color or in contravention of the guarantees set forth in 42  
23 U.S.C. Section 1973b(f)(2); or

24                   (2) the secretary of state submits this Act to the  
25 United States Attorney General under 42 U.S.C. Section 1973c and  
26 the attorney general does not interpose an objection within the  
27 time provided by that section.

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1 SECTION 13. This Act takes effect September 1, 2005.

**HR 222 - ADOPTED**  
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 222**.

The motion prevailed.

The following resolution was laid before the house:

**HR 222**, Honoring Dr. Robert S. Nelsen, president of The University of Texas-Pan American, for his contributions to higher education in the Lone Star State.

**HR 222** was read and was adopted.

**ADJOURNMENT**

Representative V. Gonzales moved that the house adjourn until 1 p.m. Monday, January 31 in memory of Nancy Davis of Monte Alto.

The motion prevailed.

The house accordingly, at 10:43 a.m., adjourned until 1 p.m. Monday, January 31.

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**ADDENDUM**

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**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, January 27, 2011

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 14** <sup>Fraser</sup> Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

**SCR 8** <sup>Whitmire</sup> SPONSOR: Cain  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

Monday, January 31, 2011

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**Official Designation Resolutions**

SR 131 by Birdwell, Recognizing January 31, 2011, as Bosque County Day at the State Capitol.

SR 141 by Nelson, Recognizing February 1, 2011, as CASA Day at the State Capitol.

SR 148 by Van de Putte, Celebrating Senior Day at the State Capitol on February 8, 2011.

SR 152 by Duncan, Recognizing the Wild Hog Cook-off in Crowell as a Texas State Barbecue Championship competition.

SR 163 by Eltife, Celebrating East Texas Coalition Day at the State Capitol.

HCR 41 (Birdwell), Recognizing January 31, 2011, as Bosque County Day at the State Capitol.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 5:29 p.m. adjourned until 11:00 a.m. tomorrow.

**APPENDIX**

**BILL ENGROSSED**

January 26, 2011

**SB 14**

**RESOLUTIONS ENROLLED**

January 26, 2011

SR 2, SR 56, SR 90, SR 92, SR 93, SR 94, SR 95, SR 96, SR 97, SR 98, SR 100, SR 101, SR 102, SR 103, SR 104, SR 107, SR 108, SR 109, SR 112, SR 113, SR 114, SR 115, SR 116, SR 117, SR 118, SR 119, SR 120, SR 121, SR 122, SR 123, SR 124

JA\_008947

USA\_00023829

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Gooden in the chair)

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1 - February 11.)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 3:02 p.m. Friday, February 11, adjourned until 1 p.m. Monday, February 14.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**HB 16** (By Riddle), Relating to requiring a voter to present proof of identification.

To Select Voter Identification and Voter Fraud.

**HB 17** (By Riddle), Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense.

To Criminal Jurisprudence.

**HB 18** (By Riddle), Relating to the enforcement by certain governmental entities of laws governing immigration.

To State Affairs.

**HB 19** (By Riddle), Relating to the penalty for operation of a motor vehicle without a license.

To Homeland Security and Public Safety.

**HB 20** (By Riddle), Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.

To Criminal Jurisprudence.

**SB 14** to Select Voter Identification and Voter Fraud.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 4**

**SCR 12**

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Case 1:12-cv-00128-RMC-DST-RLW Document 278-2 Filed 07/03/12 Page 5 of 88

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**SB 408**

Estes

Relating to inspection of and the operation of watercraft on the John Graves Scenic Riverway.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**March 15**Defense and Veterans' Affairs - **HB 74, HB 205**Judiciary and Civil Jurisprudence - **HB 119, HB 229, HB 245, HB 322, HB 462, HB 720**State Affairs - **HB 51, HB 183, HB 671, HB 726, HJR 65**Voter Identification and Voter Fraud, Select - **SB 14**Ways and Means - **HB 328**

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Relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

**SB 309** Harris

Relating to events to receive funding through a major events trust fund.

**SB 341** Uresti

Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

**SB 520** Hegar

Relating to the creation, administration, powers, and duties of a county assistance district.

**SB 647** Hegar

Relating to the continuation and operation of the office of public insurance counsel.

**SB 809** Seliger

Relating to judicial review in district court of certain workers' compensation disputes.

**SB 822** Watson

Relating to expedited credentialing of certain physicians by managed care plans.

**SB 987** Hegar

Relating to the term of office and qualifications for a director of the Colorado County Groundwater Conservation District.

Respectfully,

Patsy Spaw

Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

#### March 21

Agriculture and Livestock - **HB 338, HB 412, HB 413, HB 414**

Corrections - **HB 200, HB 988**

County Affairs - **HB 831, HB 850, HB 1110, HR 523**

Culture, Recreation, and Tourism - **HB 716, HB 1300**

Elections - **HB 184, HB 1306, HB 1904**

Human Services - **HB 452, HB 824, HB 848**

Insurance - **HB 1032, HB 1405**

Judiciary and Civil Jurisprudence - HB 7, HB 904, HB 905, HB 984,  
**HB 1404**

Natural Resources - HB 886, HB 1119, HB 1383, HB 1551

Public Education - HB 135, HB 336, HB 370, HB 1286

Transportation - HB 109, HB 377, HB 422, HB 598, HB 634, HB 787,  
HB 885, HB 993, HB 1148, HB 1201, HB 1251, HB 1409

Voter Identification and Voter Fraud, Select - SB 14

Thursday, March 24, 2011

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I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 690**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 690** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

**WENTWORTH**

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Williams.

**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a Graham County delegation.

Senator Estes was again recognized and introduced to the Senate a Wilbarger County and City of Vernon delegation.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

Thursday, March 24, 2011 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**SB 14**

Fraser

Sponsor: Harless

Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

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**SB 1097** Eltife

Relating to single certification in incorporated or annexed areas served by water or sewer utilities.

**SB 1230** Estes

Relating to the construction and operation of combined heating and power facilities in certain municipalities.

**SB 1308** Seliger

Relating to the standards for attorneys representing indigent defendants in capital cases.

**SB 1702** Williams

Relating to the establishment of a task force to enhance the prosecution and tracking of money laundering in this state.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 14**

Senate Conferees: Fraser - Chair/Birdwell/Huffman/Van de Putte/Williams

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 5**

Business and Industry - **HB 1960**

Culture, Recreation, and Tourism - **HB 596, HB 673, HB 1395**

Elections - **HB 1136, HB 1436, HB 1503, HB 1528, HB 1593, HB 1696, HB 2051, HB 2053, HB 2959, HB 3055, HB 3448**

Environmental Regulation - **HB 240**

Government Efficiency and Reform - **HB 2866**

Higher Education - **HB 33, HB 1206, HB 2433**

Judiciary and Civil Jurisprudence - **HB 908, HB 2047, HB 2330**

Licensing and Administrative Procedures - **HB 2271, SB 351**

Natural Resources - **HB 1814, HB 1832, HB 1852, HB 1901, HB 2893, HB 2983, HB 3002, SB 292, SB 313**

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 14** (non-record vote)

House Conferees: Harless - Chair/Aliseda/Bonnen/Truitt/Veasey

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled resolutions in the presence of the Senate: SCR 40, HCR 128.

#### PHYSICIAN OF THE DAY

Senator Williams was recognized and presented Dr. John Redman of Anahuac as the Physician of the Day.

The Senate welcomed Dr. Redman and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

#### SENATE RESOLUTION 479

Senator Jackson offered the following resolution:

**SR 479**, In memory of Lynn Levin Cantini of Galveston.

The resolution was again read.

The resolution was previously adopted on Wednesday, March 9, 2011.

In honor of the memory of Lynn Levin Cantini, the text of the resolution is printed at the end of today's *Senate Journal*.

#### GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate Armin Cantini, Debbie Gainer, Jamie Selig, and Jim and Sally Galbraith.

The Senate welcomed its guests and extended its sympathy.

#### SENATE RESOLUTION 745

Senator Rodriguez offered the following resolution:

**SR 745**, Welcoming Héctor Agustín Murguía Lardizábal of Ciudad Juárez to the State Capitol.

The resolution was read and was adopted without objection.

#### GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate Mayor Héctor Agustín Murguía Lardizábal and City Manager José Rodolfo Martínez Ortega of Ciudad Juárez, Chihuahua, Mexico.

The Senate welcomed its guests.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider **SB 1926** today.

**CONFERENCE COMMITTEE REPORT ON**  
**SENATE BILL 14**

Senator Fraser submitted the following Conference Committee Report:

Austin, Texas  
May 4, 2011

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 14** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

FRASER  
BIRDWELL  
HUFFMAN  
WILLIAMS  
On the part of the Senate

HARLESS  
ALISEDA  
BONNEN  
TRUITT  
On the part of the House

**A BILL TO BE ENTITLED**  
**AN ACT**

relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must include with the person's application:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

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(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

SECTION 26. Except as otherwise provided by this Act, this Act takes effect January 1, 2012.

The Conference Committee Report on **SB 14** was filed with the Secretary of the Senate.

#### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:24 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

#### **RECESS**

On motion of Senator Whitmire, the Senate at 5:24 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

May 4, 2011

STATE AFFAIRS — CSSB 303, CSSB 1735, CSSB 849

NATURAL RESOURCES — SCR 32, SB 1074, SB 1520, SB 1895, HB 444, HB 571, CSHB 716, HB 965, HB 1832, HB 1901, HB 2360

ADMINISTRATION — HB 610, HB 726, HB 1174

STATE AFFAIRS — CSSB 1213

#### **BILLS ENGROSSED**

May 3, 2011

SB 63, SB 150, SB 687, SB 730, SB 947, SB 1059, SB 1070, SB 1117, SB 1138, SB 1196, SB 1197, SB 1231, SB 1237, SB 1328, SB 1399, SB 1445, SB 1488, SB 1557, SB 1841, SB 1899

#### **RESOLUTIONS ENROLLED**

May 3, 2011

SR 330, SR 810, SR 850, SR 885, SR 896, SR 897, SR 898, SR 899, SR 900, SR 903, SR 904, SR 905, SR 906

Monday, May 9, 2011

HOUSE JOURNAL — 72nd Day

3299

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1555**

Senate Conferees: Ellis - Chair/Huffman/Patrick/Shapiro/Whitmire

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 14**

(19 Yeas, 12 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas  
Monday, May 9, 2011 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****SB 303**

Nichols

Relating to health care services provided or paid by a hospital district.

**SB 905**

Patrick

Relating to the application of certain concealed handgun license laws to statewide elected officials, certain current and former members of the legislature, and certain federal and state employees.

**SB 1334**

Deuell

Relating to the dismissal of complaints against property tax professionals.

**SB 1386**

Lucio

Relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles.

**SB 1809**

Lucio

Relating to a study by the comptroller of public accounts of the economic impact of the Texas-Mexico border wall in the State of Texas.

**SB 1866**

Davis

Relating to the selection of providers of professional services by governmental entities.

**SB 1895**

Hegar

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Tuesday, May 17, 2011

SENATE JOURNAL

2385

**HB 2035** (142 Yeas, 1 Nays, 1 Present, not voting)

**HB 2271** (120 Yeas, 20 Nays, 2 Present, not voting)

**HB 2360** (131 Yeas, 2 Nays, 1 Present, not voting)

**HB 2376** (105 Yeas, 37 Nays, 2 Present, not voting)

**HB 3487** (143 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 1112** (non-record vote)

House Conferees: Phillips - Chair/Fletcher/Harper-Brown/Lavender/Pickett

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 28** (non-record vote)

House Conferees: Branch - Chair/Howard, Donna/Hunter/Patrick, Diane/Villarreal

**SB 313** (non-record vote)

House Conferees: Price - Chair/Beck/Lucio III/Miller, Doug/Ritter

**SB 1420** (non-record vote)

House Conferees: Harper-Brown - Chair/Bonnen/McClendon/Phillips/Pickett

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 14** (98 Yeas, 46 Nays, 1 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 1956** (142 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Julie Graves Moy of Austin as the Physician of the Day.

The Senate welcomed Dr. Moy and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

Case 1:12-cv-00128-RMC-DST-RLW Document 278-2 Filed 07/03/12 Page 16 of 88

Wednesday, May 18, 2011SENATE JOURNAL2553

**BUSINESS AND COMMERCE — HB 1469, SB 1837, HB 1355, HB 2295, HB 2382, HB 3329, HB 3573, HB 3410, HB 1580, HB 3167, HB 1959, HB 2103**

**STATE AFFAIRS — CSHB 174**

**BUSINESS AND COMMERCE — HB 602, HB 1456, HB 2619, HB 2707, HB 2982**

**GOVERNMENT ORGANIZATION — CSHB 1781, CSHB 1818, CSHB 3333**

**BILLS ENGROSSED**

May 17, 2011

**SB 31, SB 856, SB 923, SB 1021, SB 1358, SB 1405, SB 1724, SB 1807, SB 1913, SB 1914, SB 1915, SB 1925**

**BILLS AND RESOLUTIONS ENROLLED**

May 17, 2011

**SB 14, SB 118, SB 132, SB 328, SB 420, SB 977, SB 1125, SB 1353, SB 1693, SCR 25, SR 988, SR 1007, SR 1008, SR 1009, SR 1010, SR 1011, SR 1012, SR 1013, SR 1014, SR 1015, SR 1016, SR 1017, SR 1018, SR 1019, SR 1020, SR 1021, SR 1022, SR 1023, SR 1024, SR 1025, SR 1026, SR 1027, SR 1028, SR 1029, SR 1030, SR 1031, SR 1032, SR 1033**

**SIGNED BY GOVERNOR**

May 17, 2011

**SB 257, SB 360, SB 428, SB 483, SB 782, SB 934, SB 1086, SB 1147, SB 1258**

**SENT TO GOVERNOR**

May 18, 2011

**SB 14, SB 118, SB 132, SB 248, SB 328, SB 331, SB 356, SB 403, SB 420, SB 509, SB 533, SB 564, SB 604, SB 628, SB 816, SB 977, SB 1121, SB 1125, SB 1140, SB 1150, SB 1165, SB 1217, SB 1229, SB 1241, SB 1242, SB 1327, SB 1353, SB 1356, SB 1357, SB 1385, SB 1433, SB 1492, SB 1496, SB 1608, SB 1693, SB 1806, SB 1886, SCR 25**

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 31**

HB 27, HB 563, HB 699, HB 843, HB 848, HB 908, HB 1028, HB 1106, HB 1380, HB 1390, HB 1401, HB 1405, HB 1829, HB 1956, HB 2229, HB 3000, HCR 69, HCR 100

**House List No. 32**

HB 35, HB 118, HB 184, HB 266, HB 315, HB 434, HB 460, HB 479, HB 625, HB 650, HB 679, HB 716, HB 726, HB 885, HB 988, HB 989, HB 993, HB 1061, HB 1130, HB 1174, HB 1263, HB 1344, HB 1449, HB 1488, HB 1503, HB 1545, HB 1566, HB 1567, HB 1570, HB 1674, HB 1779, HB 1861, HB 1862, HB 1869, HB 2033, HB 2035, HB 2144, HB 2251, HB 2271, HB 2351, HB 2360, HB 2376, HB 2495, HB 2615, HB 2631, HB 2670, HB 2699, HB 2866, HB 2920, HB 2935, HB 3004, HB 3141, HB 3255, HB 3389, HB 3487, HB 3570, HB 3847, HCR 33, HCR 143

**Senate List No. 29**

SB 14, SB 118, SB 132, SB 328, SB 420, SB 977, SB 1125, SB 1353, SB 1693, SCR 25

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, May 18, 2011

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

SB 923

Deuell

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Friday, May 27, 2011

SENATE JOURNAL

4525

**SR 1233** by Davis, Recognizing John "Jason" Bonds on the occasion of his graduation from the United States Military Academy at West Point.

**SR 1234** by Davis, Recognizing Tiné Valencic for winning the 2011 National Geographic Bee.

**SR 1235** by Davis, Recognizing Gregory S. Smith for his service to his community.

**SR 1236** by Davis, Recognizing Fort Worth Commercial Real Estate Women, Incorporated.

**SR 1237** by Davis, Recognizing Fred M. Willoughby and Terri Elizabeth Watson Willoughby for their service to their community.

**SR 1238** by Van de Putte, Recognizing the men and women who have served our country in the armed forces.

**SR 1239** by Davis, Recognizing Melody Johnson on the occasion of her retirement as superintendent of the Fort Worth Independent School District.

**HCR 115** (Gallegos), Honoring the Battleship Texas Foundation for its work to preserve the historic battleship.

#### RECESS

On motion of Senator Jackson, the Senate at 6:38 p.m. recessed until 11:00 a.m. tomorrow for the Joint Session.

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#### APPENDIX

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#### BILLS AND RESOLUTIONS ENROLLED

May 26, 2011

**SB 17, SB 20, SB 167, SB 173, SB 181, SB 244, SB 327, SB 365, SB 475, SB 683, SB 717, SB 738, SB 761, SB 768, SB 781, SB 789, SB 801, SB 810, SB 819, SB 847, SB 937, SB 969, SB 1026, SB 1042, SB 1055, SB 1058, SB 1073, SB 1120, SB 1124, SB 1169, SB 1200, SB 1225, SB 1290, SB 1383, SB 1393, SB 1434, SB 1545, SB 1619, SB 1686, SB 1714, SB 1877, SB 1899, SB 1910, SB 1913, SB 1916, SB 1925, SB 1926, SCR 56, SR 1183, SR 1184, SR 1185, SR 1186, SR 1202, SR 1203, SR 1205, SR 1207, SR 1208, SR 1209, SR 1210, SR 1211, SR 1214, SR 1215, SR 1216, SR 1217**

#### SENT TO SECRETARY OF STATE

May 27, 2011

**SJR 9, SJR 14, SJR 26, SJR 37, SJR 50**

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**SENT TO GOVERNOR**

May 27, 2011

**SB 17, SB 20, SB 167, SB 173, SB 176, SB 181, SB 201, SB 218, SB 220, SB 229, SB 244, SB 271, SB 327, SB 329, SB 349, SB 364, SB 365, SB 370, SB 438, SB 460, SB 475, SB 479, SB 548, SB 683, SB 701, SB 717, SB 738, SB 761, SB 762, SB 766, SB 768, SB 781, SB 789, SB 801, SB 802, SB 804, SB 810, SB 812, SB 819, SB 847, SB 917, SB 937, SB 969, SB 975, SB 1009, SB 1026, SB 1042, SB 1055, SB 1058, SB 1073, SB 1120, SB 1124, SB 1169, SB 1200, SB 1225, SB 1290, SB 1360, SB 1383, SB 1386, SB 1393, SB 1434, SB 1477, SB 1504, SB 1545, SB 1560, SB 1617, SB 1619, SB 1686, SB 1714, SB 1726, SB 1799, SB 1877, SB 1899, SB 1910, SB 1913, SB 1916, SB 1925, SB 1926, SCR 2, SCR 56, SCR 58**

**SIGNED BY GOVERNOR**

May 27, 2011

**SB 14, SB 198, SB 250, SB 279, SB 529, SB 551, SB 748, SB 758, SB 1024, SB 1107, SB 1478, SB 1505, SCR 45, SCR 46, SCR 52**

Tuesday, February 17, 2009

SENATE JOURNAL

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RESOLVED, That the 81st Legislature of the State of Texas hereby welcome the League City Chamber of Commerce and its legislative committee to the State Capitol and commend all those associated with the group for their dedicated service to their community; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the chamber of commerce as an expression of high regard from the Texas House of Representatives and Senate.

JACKSON

HCR 42 was read.

On motion of Senator Jackson, the resolution was considered immediately and was adopted by a *viva voce* vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

#### RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled resolutions in the presence of the Senate: HCR 31, HCR 37, HCR 38.

#### SENATE CONCURRENT RESOLUTION 20

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 81st Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 18, 2009, and ending on Monday, February 23, 2009.

WHITMIRE

SCR 20 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

#### MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:28 p.m. agreed to adjourn, in memory of Frank Alvarado, father of State Representative Carol Alvarado, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

#### SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

##### SB 351 by Shapleigh

Relating to payment of certain emergency room physicians for services provided to

enrollees of managed care health benefit plans; providing an administrative penalty.

To Committee on State Affairs.

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81st Legislature — Regular Session

12th Day

**SB 352** by Shapleigh

Relating to a prohibition of trans fatty acids in meals provided to students by school districts.

To Committee on Education.

**SB 353** by Shapleigh

Relating to nonpayment of hospitals under the state Medicaid program for certain preventable adverse conditions.

To Committee on Health and Human Services.

**SB 354** by Estes

Relating to transactions involving residential mortgage foreclosures; providing a penalty.

To Committee on Business and Commerce.

**SB 355** by Van de Putte

Relating to use of the money from the Texas Enterprise Fund to benefit small businesses.

To Committee on Economic Development.

**SB 356** by Carona

Relating to the frequency and content of school bus emergency evacuation training.

To Committee on Transportation and Homeland Security.

**SB 357** by Patrick

Relating to a prohibition against the knowing employment of persons not lawfully present in the United States and the suspension of licenses held by certain employers for the knowing employment of those persons.

To Committee on Transportation and Homeland Security.

**SB 358** by Patrick

Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To Committee on Transportation and Homeland Security.

**SB 359** by Patrick

Relating to punishment for the offense of theft committed in certain evacuated or disaster areas.

To Subcommittee on Flooding and Evacuations.

**SB 360** by Patrick, Jackson

Relating to exempting certain hurricane preparation supplies from the sales tax for a limited period.

To Committee on Finance.

**SB 361** by Patrick

Relating to the requirement that water and sewer service providers ensure operations during an extended power outage.

To Subcommittee on Flooding and Evacuations.

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Tuesday, February 17, 2009

SENATE JOURNAL

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**SB 362 by Fraser, Estes**

Relating to requiring a voter to present proof of identification.  
To Committee of the Whole Senate.

**SB 363 by Fraser**

Relating to the procedures for registering to vote and accepting a voter at a polling place.  
To Committee on State Affairs.

**SB 364 by Carona**

Relating to the punishment for certain offenses committed against a public servant by a member of a criminal street gang.  
To Committee on Transportation and Homeland Security.

**SB 365 by Carona**

Relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases.  
To Committee on Criminal Justice.

**SB 366 by Carona**

Relating to the imposition of consecutive sentencing for offenses committed by a member of a criminal street gang.  
To Committee on Transportation and Homeland Security.

**SB 367 by Carona**

Relating to the prosecution of and punishment for certain criminal offenses involving the use of a false or fictitious identity or identifying documents.  
To Committee on Transportation and Homeland Security.

**SB 368 by Carona**

Relating to the denial, suspension, or revocation of a motor vehicle inspection station certificate or an inspector certificate.  
To Committee on Transportation and Homeland Security.

**SB 369 by Carona**

Relating to information contained in an intelligence database used to investigate and prosecute offenses committed by criminal street gangs.  
To Committee on Transportation and Homeland Security.

**SB 370 by Carona**

Relating to the penalty for engaging in gambling promotion or keeping a gambling place.  
To Committee on Criminal Justice.

**SB 371 by Carona**

Relating to certain civil consequences of engaging in organized crime.  
To Committee on Transportation and Homeland Security.

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81st Legislature — Regular Session

14th Day

**CO-AUTHORS OF SENATE BILL 61**

On motion of Senator Zaffirini, Senators Davis and Uresti will be shown as Co-authors of **SB 61**.

**CO-AUTHORS OF SENATE BILL 108**

On motion of Senator Ellis, Senators Carona, Davis, Lucio, and Watson will be shown as Co-authors of **SB 108**.

**CO-AUTHOR OF SENATE BILL 170**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 170**.

**CO-AUTHOR OF SENATE BILL 201**

On motion of Senator Shapleigh, Senator Zaffirini will be shown as Co-author of **SB 201**.

**CO-AUTHOR OF SENATE BILL 268**

On motion of Senator Harris, Senator Fraser will be shown as Co-author of **SB 268**.

**CO-AUTHOR OF SENATE BILL 290**

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 290**.

**CO-AUTHOR OF SENATE BILL 296**

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 296**.

**CO-AUTHOR OF SENATE BILL 297**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 297**.

**CO-AUTHOR OF SENATE BILL 305**

On motion of Senator Shapleigh, Senator Zaffirini will be shown as Co-author of **SB 305**.

**CO-AUTHOR OF SENATE BILL 309**

On motion of Senator Jackson, Senator Carona will be shown as Co-author of **SB 309**.

**CO-AUTHOR OF SENATE BILL 362**

On motion of Senator Fraser, Senator Nichols will be shown as Co-author of **SB 362**.

**CO-AUTHOR OF SENATE BILL 553**

On motion of Senator Lucio, Senator Uresti will be shown as Co-author of **SB 553**.

Wednesday, March 18, 2009

SENATE JOURNAL

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**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**BIRTHDAY GREETINGS EXTENDED**

Senator Williams was recognized and, on behalf of the Senate, extended birthday greetings to Senator Watson.

**CONCLUSION OF MORNING CALL**

The President at 11:39 a.m. announced the conclusion of morning call.

**PERSONAL PRIVILEGE STATEMENT**

Senator Lucio was recognized to speak on a matter of personal privilege.

**AT EASE**

The President at 11:44 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 12:13 p.m. called the Senate to order as In Legislative Session.

**SENATE BILL 362 ON THIRD READING**

The President laid before the Senate SB 362 by Senator Fraser at this time on its third reading and final passage (set as special order):

SB 362, Relating to requiring a voter to present proof of identification.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

Yea: Averitt, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nay: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

**LETTER FROM DEPUTY SECRETARY OF STATE**

Senator Van de Putte was recognized to read and to submit in writing the following letter relating to SB 362 from the Deputy Secretary of State:

Coby Shorter, III  
Deputy Secretary of State  
State of Texas

March 11, 2009

The Honorable Leticia Van de Putte  
Texas Senate  
P.O. Box 12068 – Capitol Station  
Austin, Texas 78711

JA\_008969

USA\_00023851

590

81st Legislature — Regular Session

23rd Day

Dear Senator Van de Putte:

Thank you for the opportunity to serve as a resource witness on Senate Bill 362. During my testimony you asked several questions which I needed to research. Below, please find your questions and my responses.

Question: Explain the difference between a Citizenship Certificate and Citizenship Papers.

Please know the Office of the Secretary of State does not have jurisdiction over U.S. citizenship issues; thus, our response is based on information from the U.S. Citizenship and Immigration Services. Based on preliminary research, we have determined that a Certificate of U.S. Citizenship is a document issued by the United States government as proof of U.S. citizenship. Individuals who are eligible to apply for the certificate include those who obtained U.S. citizenship while residing in the United States or individuals who were born outside the United States to U.S. citizens. Specifically, children born of U.S. citizens who were born abroad are eligible. In addition, a child whose parent or parents became naturalized while the child was under 18 years of age is also eligible for this document. The Certificate of U.S. Citizenship contains a photograph and qualifies as proof of identity under the proposed amendment to Section 63.0101(a) of the Texas Election Code (the "Code").

"United States Citizenship Papers" are one of the authorized forms of identification in the proposed amendment to Section 63.0101(b) of the Code. According to the U.S. Citizenship and Immigration Services, the following documents generally constitute proof of U.S. citizenship: birth certificate, U.S. Passport, Certificate of Citizenship, and Naturalization Certificate. These four documents would appear to qualify as "United States Citizenship Papers" under the proposed amendment to Section 63.0101. A U.S. Passport and a Certificate of Citizenship are specifically listed as forms of photo identification authorized under the proposed Section 63.0101(a), so it appears that these documents qualify under both 63.0101(a) and (b). A Certificate of Naturalization is a document issued by the United States government (or before October 1, 1991 by a federal or state court) as proof of a person having obtained U.S. citizenship through naturalization. A Certificate of Naturalization contains the person's photograph. A birth certificate does not contain a photograph.

Question: How will inconsistencies between a temporary address appearing on an authorized identification document and a permanent address appearing on the voter registration list of military and student voters be treated if SB 362 were to become law?

Senate Bill 362 requires a voter to provide proof of his or her identity and does not require a voter to provide proof of residence. If there was an inconsistency between an address that appeared on an authorized form of identification and the voter registration roll, that would not be grounds to disqualify the voter. As long as the voter still claimed the address that appeared on the voter registration list as his or her permanent residence address, the voter would be accepted for voting. Accordingly, if a voter presented a valid form of identification as proposed under Senate Bill 362, which contained an address different from the address on the list of registered voters, that voter would be allowed to vote.

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Wednesday, March 18, 2009

SENATE JOURNAL

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Question: Does the Secretary of State track the racial status of registered voters? If not, how will the state prove that Senate Bill 362 does not have an adverse impact on minority voters when the state submits the bill for preclearance?

Because racial status is not considered in a person's eligibility to register to voter, the state prescribed voter registration application does not request this information from voters. As a result, the state does not have statistics regarding the race or ethnicity of registered voters in Texas. We do have data on the number of registered voters with Hispanic surnames, but this data is inconclusive as it simply matches the surname of registered voters against a list of identified Hispanic surnames provided by the U.S. Census Bureau.

Every submission to the U.S. Department of Justice is different based on the unique aspects of the legislation. For instance, the Texas Legislative Council assisted with the compilation of data on race and ethnicity for redistricting bills. A similar effort to obtain such demographics may be required for a voter identification bill. Historically, we have also worked with legislators to ensure the best data available is included in submissions.

Thank you for the opportunity to research these issues. If I have inadvertently omitted or misunderstood your questions, please let me know.

Sincerely,

/s/ Coby Shorter, III  
Deputy Secretary of State

**STATEMENT REGARDING VOTES CAST ON  
SENATE BILL 362  
(Senate Rule 17.01)**

Senator West submitted the following statement:

We offer the following statements with respect to our votes on Senate Bill 362 and ask that they be spread upon the journal of the Senate:

1. The Senate is comprised of 31 members, 8 of whom are ethnic minorities: Ellis, West, Gallegos, Hinojosa, Lucio, Uresti, Van de Putte, and Zaffirini.
2. On January 14, 2009, a motion was made to amend the previous rules of the Senate to allow for legislation relating to voter identification requirements, after being reported favorably from a Committee of the Whole Senate, to be set as a special order, therefore bypassing the need for a two-thirds vote of the Senate at any point during Senate deliberations, for legislation addressing only this subject. The motion prevailed by a vote of 18-13. All 8 Senators who are ethnic minorities voted against this motion.
3. On March 10-11, 2009, the Senate convened as a Committee of the Whole Senate, and took up and passed Senate Bill 362, which relates to voter identification requirements, by a vote of 20 to 12. All Senators who are ethnic minorities voted against passage of the bill from the Committee of the Whole Senate.

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81st Legislature — Regular Session

23rd Day

4. On March 11, 2009, the Senate voted to set Senate Bill 362, and no other bill, for special order. The vote on this special order was 19-12. All 8 ethnic minority Senators voted against this motion.

5. On March 17th, the Senate took up Senate Bill 362 on second reading, as a special order. The vote on this legislation was 19-12. All 8 ethnic minority Senators voted against this motion.

6. On March 18th, the Senate took up Senate Bill 362 on third reading. The vote on this legislation was 19-12. All 8 ethnic minority Senators voted against this legislation.

7. To date, there have been no other opportunities during the 81st Regular Legislative Session in which members of the Senate had the opportunity to vote on legislation relating to voter identification, other than the ones listed above; and

8. Of all the opportunities members of the Senate have had to vote on voter identification legislation, or Senate process regarding voter identification legislation, no Senator who is an ethnic minority has voted in favor of such legislation or the process related to such legislation.

WEST	URESTI
ELLIS	VAN DE PUTTE
GALLEGOS	WATSON
LUCIO	WHITMIRE
SHAPLEIGH	ZAFFIRINI

#### SENATE BILL 52 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration SB 52 at this time on its second reading:

**SB 52**, Relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### SENATE BILL 52 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 52 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yea: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Seliger, Wentworth.

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618

81st Legislature — Regular Session

24th Day

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## APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 19, 2009

BUSINESS AND COMMERCE — SB 731, SB 538, SB 507, CSSB 470  
INTERGOVERNMENTAL RELATIONS — SB 764, CSSB 820  
CRIMINAL JUSTICE — SB 223, SB 554, CSSB 839  
JURISPRUDENCE — SB 82, SB 491, SB 518, SB 658, SB 659, SB 742, SB 780, SB 812  
HIGHER EDUCATION — SB 596, CSSB 297

### BILLS ENGROSSED

March 18, 2009

SB 52, SB 90, SB 362, SB 555, SB 987

### RESOLUTIONS ENROLLED

March 18, 2009

SR 378, SR 438, SR 448, SR 449, SR 450, SR 451, SR 452, SR 453, SR 454, SR 455, SR 456, SR 457, SR 458, SR 459, SR 460, SR 461, SR 462, SR 463, SR 464

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Thursday, March 19, 2009 HOUSE JOURNAL — 35th Day 805

**HB 3259** (By Naishat), Relating to the creation of the Council on Children and Families.

To Public Health.

**HB 3302** (By Kent), Relating to the fees charged by certain check-cashing businesses; providing penalties.

To Pensions, Investments, and Financial Services.

**HB 3304** (By Kent), Relating to the regulation of credit services organizations.

To Pensions, Investments, and Financial Services.

#### MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

##### Message No. 1

###### MESSAGE FROM THE SENATE

###### SENATE CHAMBER

Austin, Texas

Thursday, March 19, 2009

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

##### THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 36** Solomons SPONSOR: Nelson  
Commending all those in Denton County who participated in the emergency response to Hurricane Ike.

**HCR 98** Howard, Donna SPONSOR: Watson  
Commending Michael William Heskett for his 26 years of service to the Texas State Library and Archives Commission.

**SB 52** Zaffirini  
Relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities.

**SB 90** Van de Putte  
Relating to adoption of the Interstate Compact on Educational Opportunity for Military Children.

**SB 362** Fraser  
Relating to requiring a voter to present proof of identification.

**SB 555** Duncan  
Relating to indemnification provisions in construction contracts.

**SB 987** Shapiro

Friday, May 15, 2009

HOUSE JOURNAL — 72nd Day

3801

## MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 15, 2009 - 4

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 666** Shapleigh  
Relating to the administration of charitable trusts.

**SB 2491** Uresti  
Relating to the powers and duties of certain public improvement districts.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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APPENDIX

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## STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 14**

Business and Industry - **SB 1448, SB 1672, SB 1945**

County Affairs - **SB 534, SB 1500**

Criminal Jurisprudence - **SB 11**

Culture, Recreation, and Tourism - **SB 909, SB 1900, SB 1929, SB 2534, SCR 11, SCR 40, SCR 64**

Elections - **SB 362, SB 1152**

Energy Resources - **SB 546**

Environmental Regulation - **SB 1387**

Higher Education - **SB 1334, SB 2007, SB 2045**

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Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Murphy; Naishat; Noriega; Olivo; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Christian; Gallego; Hartnett; Hill; Menendez; Oliveira; Truitt.

Absent — Aycock; Darby; Driver; Escobar; Farabee; Hardcastle; Harless; Hilderbran; Homer; Jackson; Krusee; Macias; Moreno; Mowery; O'Day; Orr; Paxton; Van Arsdale.

#### STATEMENT OF VOTE

When Record No. 43 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

#### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, 2:30 p.m. today, E2.026, for an organizational meeting.

Corrections, 2 p.m. today, senate finance room, to consider invited testimony.

#### PROVIDING FOR ADJOURNMENT

Representative Riddle moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Alice Elizabeth Rucker Allen of Austin.

The motion prevailed.

#### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Gattis in the chair)

#### ADJOURNMENT

In accordance with a previous motion, the house, at 12:40 p.m., adjourned until 10 a.m. tomorrow.

Tuesday, January 30, 2007 HOUSE JOURNAL — 12th Day

251

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ADENDUM

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## REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

## List No. 1

**HB 119** (By F. Brown), Relating to the exemption from competitive bidding for certain purchases.

To Government Reform.

**HB 120** (By F. Brown), Relating to state funding and tuition charged for courses provided during off-peak hours at certain public institutions of higher education.

To Higher Education.

**HB 121** (By Dukes), Relating to public school policies designed to prevent dating violence.

To Public Education.

**HB 122** (By Dukes), Relating to promoting the importance of higher education in public schools.

To Public Education.

**HB 123** (By Peña), Relating to the use of direct recording electronic voting machines.

To Elections.

**HB 124** (By Peña), Relating to certain offenses that involve impersonating a peace officer or other public servant and misrepresenting the nature of certain property.

To Law Enforcement.

**HB 125** (By Delisi), Relating to tuition and fee exemptions for the children of certain military personnel.

To Defense Affairs and State-Federal Relations.

**HB 126** (By Delisi), Relating to the offense of engaging in organized criminal activity.

To Criminal Jurisprudence.

**HB 127** (By Delisi), Relating to the requirement that state agencies report the cost of services and benefits provided to unlawful immigrants.

To State Affairs.

**HB 128** (By Truitt), Relating to the punishment for the offense of burglary of a vehicle.

To Criminal Jurisprudence.

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Tuesday, January 30, 2007 HOUSE JOURNAL — 12th Day

259

**HB 218** (By B. Brown), Relating to requiring a voter to present proof of identification.

To Elections.

**HB 219** (By Miller), Relating to the margin of error the comptroller of public accounts must use to determine whether the local value for a school district is valid after conducting the annual property value study.

To Local Government Ways and Means.

**HJR 27** (By Callegari), Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum average annual percentage increase in the appraised value of a residence homestead for ad valorem tax purposes.

To Ways and Means.

**HJR 29** (By Isett), Proposing a constitutional amendment concerning the restriction on the rate of growth of state appropriations and establishing three special funds to replace the economic stabilization fund.

To Appropriations.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 4

SCR 8, SCR 11, SCR 12

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, January 30, 2007

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 13 Wentworth SPONSOR: Flynn  
Inviting the Chief Justice of the Supreme Court of Texas to address a Joint Session of the legislature on February 20, 2007.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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Tuesday, April 3, 2007

HOUSE JOURNAL — 49th Day

1557

**HCR 166** Hilderbran SPONSOR: Wentworth  
Recognizing April 3, 2007, as Texas Medal of Arts Awards Day.

**SB 362** Janek  
Relating to civil remedies and qui tam provisions under the Medicaid fraud prevention act.

**SB 718** Ogden  
Relating to the route selection for the Trans-Texas Corridor.

**SB 1795** Ogden  
Relating to the amount of bonds and other public securities that may be secured by a pledge of and payable from revenue deposited to the credit of the state highway fund.

**SCR 50** Wentworth  
Recognizing April 3, 2007, as Texas Medal of Arts Awards Day.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, April 3, 2007 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 125** Carona  
Relating to a civil or administrative penalty imposed by a local authority to enforce compliance with a traffic-control signal and use of the money collected to help fund trauma facilities and emergency medical services.

**SB 802** Nichols  
Relating to the child fatality review process, including the composition and functions of the child fatality review team committee.

**SB 1119** Carona  
Relating to the authority of a local authority to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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1558

80th LEGISLATURE — REGULAR SESSION

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APPENDIX

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STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 2**

Border and International Affairs - **HB 2235**

Business and Industry - **HB 1871**

Criminal Jurisprudence - **HB 95, HB 347, HB 460, HB 1203, HB 1610, HB 2267**

Culture, Recreation, and Tourism - **HB 2054**

Elections - **HB 218, HB 626, HB 1652**

Insurance - **HB 522, HB 1590, HB 2708**

Law Enforcement - **HB 442, HB 588, HB 954, HB 991, HB 1839, HB 2066, HB 3295, SB 330, SB 332**

Pensions and Investments - **HB 2799**

Public Education - **HB 273, HB 439, HB 1270, HB 1400, HB 1922, HB 2176, HB 2503, HB 2657**

State Affairs - **HB 180**

Urban Affairs - **HB 280, HB 470, HB 2019, HB 2184, HB 2338, HB 2484, HB 2840**

ENGROSSED

April 2 - **HB 1, HB 15, HJR 69**

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Monday, April 16, 2007

HOUSE JOURNAL — 56th Day

1959

**HR 1039 - ADOPTED**  
(by Creighton)

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 1039**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1039**, Congratulating Jason "Sundance" Head for his appearance on American Idol.

**HR 1039** was read and was adopted.

On motion of Representative Dukes, the names of all the members of the house were added to **HR 1039** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Creighton who introduced Jason "Sundance" Head and his wife, Misty.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 22 and Senate List No. 21).

**BILLS RECOMMITTED**

Representative Berman moved to recommit **HB 218** and **HB 626** to the Committee on Elections.

The motion prevailed.

**HCR 190 - ADOPTED**  
(by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HCR 190**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 190**, Congratulating the Greater Austin Crime Commission on its 10th anniversary and recognizing the Longhorn Leaders.

**HCR 190** was read and was adopted.

On motion of Representative Bolton, the names of all the members of the house were added to **HCR 190** as signers thereof.

(Speaker in the chair)

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Strama who introduced representatives of the Greater Austin Crime Commission and Texas Longhorn Leaders.

2098

## 80th LEGISLATURE — REGULAR SESSION

Relating to the operation and financing of the medical assistance program and other programs to provide health care benefits and services to persons in this state; providing penalties.

**SB 111** Carona  
Relating to removal or reconstruction of certain outdoor advertising.

**SB 450** Uresti  
Relating to enrollment and participation in certain research programs of certain children in foster care.

**SB 943** Janek  
Relating to the licensing and regulation of wholesale distributors of prescription drugs; providing penalties.

**SB 1068** Wentworth  
Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

**SB 1604** Duncan  
Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges; providing administrative and civil penalties.

**SB 1644** Shapiro  
Relating to the eligibility of certain teachers to serve on the State Board of Education and the board of directors of a regional education service center.

**SB 1794** Ogden  
Relating to eligibility for an occupational driver's license.

**SB 1909** Ellis  
Relating to community supervision, parole, or mandatory supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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APPENDIX

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## STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 17**  
Border and International Affairs - **HB 3068**  
Business and Industry - **SB 908**

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Wednesday, April 18, 2007 HOUSE JOURNAL — 58th Day

2099

Civil Practices - HB 196, HB 1268, HB 1927, HB 2117, HB 3063, HB 3293

Corrections - HB 46, HB 429

County Affairs - HB 2095, HB 2283, HB 2624, HB 2749, HB 3011, HB 3044, HB 3311, HB 3549

Criminal Jurisprudence - HB 187, HB 529, HB 872, HB 1158, HB 2391, HB 3585

Elections - HB 218, HB 626, HB 945, HB 1146, HB 1642, HB 2247, HB 3142

Energy Resources - HB 3109, HB 3111

Environmental Regulation - HB 1526, HB 2608

Higher Education - HB 956, HB 2173, HB 2978, HB 3449, HB 3826, HB 3900, HJR 103

Insurance - HB 1351

Judiciary - HB 1352, HB 2109, HB 2201, HB 3992, HB 4007, HB 4008, HB 4037, HB 4048, HB 4094, HB 4107, SB 168, SB 355, SB 497, SB 844

Juvenile Justice and Family Issues - HB 567, HB 620, HB 782, HB 814, HB 1575, HB 1646, HB 1864, HB 1909, HB 2379, HB 2770, HB 2884

Law Enforcement - HB 946, HB 2445, HB 3435, SB 740

Local Government Ways and Means - HB 3514, HB 3630, SB 57, SB 948

Natural Resources - HB 4, HB 1656

Pensions and Investments - HB 3322

Public Health - HB 14, HB 2158, HB 2439, HJR 90

State Affairs - HB 2656

Urban Affairs - HB 1315

Ways and Means - HB 913

#### ENGROSSED

April 17 - HB 11, HB 95, HB 216, HB 347, HB 460, HB 685, HB 954, HB 1105, HB 1178, HB 1265, HB 1270, HB 1610, HB 1764, HB 1922, HB 2198, HJR 19

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Wednesday, April 25, 2007 HOUSE JOURNAL — 62nd Day

2485

Relating to registration and regulation of metal recycling entities; providing penalties.

**SB 1295** West, Royce  
Relating to the establishment of community-based programs administered by the juvenile boards of certain counties.

**SB 1349** Patrick, Dan  
Relating to the annexation of certain municipally owned airports.

**SB 1447** Duncan  
Relating to the investment authority of the Teacher Retirement System of Texas.

**SB 1700** Shapiro  
Relating to state assistance with the costs of constructing or renovating public high school science laboratories.

**SB 1723** Ogden  
Relating to the collection of surcharges assessed under the driver responsibility program.

**SB 1736** Shapiro  
Relating to the powers, duties, and financing of cultural education facilities finance corporations.

**SB 1865** Zaffirini  
Relating to the creation of the lifespan respite services pilot program.

**SB 1879** Williams  
Relating to the regulation of controlled substances.

**SB 2009** Hinojosa  
Relating to the creation of municipal courts of record in the city of Corpus Christi.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 24**

Agriculture and Livestock - **HB 1915**

Business and Industry - **HB 2392, HB 3147, HB 3518, HB 3674, SB 458**

County Affairs - **HB 2276, SB 1106**

Criminal Jurisprudence - **HB 3370, HB 3372**

Culture, Recreation, and Tourism - **HB 152, HB 693, HB 3113, HB 3863, HB 3910, HJR 71, SB 182, SB 573**

Defense Affairs and State-Federal Relations - **HB 2694, SB 61**

Economic Development - **HB 2947, HB 3037**

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2486

80th LEGISLATURE — REGULAR SESSION

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Elections - HB 1462

Human Services - HB 2042, HB 2691, SB 344, SB 744

Insurance - HB 2765, HB 3271

Judiciary - HB 2479

Juvenile Justice and Family Issues - HB 555, HB 876, HB 983, HB 1481, HB 1993, HB 2410, HB 2501, HB 2502, HB 2940, HB 3022, HB 3993

Land and Resource Management - HB 631

Law Enforcement - HB 2833, HB 3613, SB 534

Licensing and Administrative Procedures - SB 904

Local Government Ways and Means - HB 1404, HB 3038, SB 162, SB 940

Natural Resources - HB 599, HB 1498, HB 2444, HB 2883, HB 4067

Public Education - HB 1632

Public Health - SB 625

State Affairs - HB 13, HB 21, HB 455, HB 2038, HB 2248, HB 2656, HB 2666, HB 3453, HCR 198, SB 123

Transportation - HB 191

Ways and Means - HB 646, HB 1084, HB 1950, HB 1976, HB 2558, HB 2982, HB 3461, HB 3546, HB 3928

ENGROSSED

April 24 - HB 218, HB 2136

ENROLLED

April 24 - HCR 158, HCR 170

SENT TO THE GOVERNOR

April 24 - HB 5, HB 1447, HB 1967, HCR 26, HCR 167

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1260

80th Legislature — Regular Session

48th Day

**LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Gallegos was granted leave of absence for today on account of illness.

**CO-AUTHOR OF SENATE BILL 411**

On motion of Senator Shapleigh, Senator Ogden will be shown as Co-author of **SB 411**.

**CO-AUTHOR OF SENATE BILL 553**

On motion of Senator Shapleigh, Senator Ellis will be shown as Co-author of **SB 553**.

**CO-AUTHOR OF SENATE BILL 887**

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 887**.

**CO-AUTHOR OF SENATE BILL 1295**

On motion of Senator West, Senator Zaffirini will be shown as Co-author of **SB 1295**.

**CO-AUTHOR OF SENATE BILL 1357**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 1357**.

**CO-AUTHOR OF SENATE BILL 1951**

On motion of Senator Wentworth, Senator Williams will be shown as Co-author of **SB 1951**.

**CO-AUTHOR OF SENATE RESOLUTION 759**

On motion of Senator Lucio, Senator Ellis will be shown as Co-author of **SR 759**.

**CO-SPONSOR OF HOUSE JOINT RESOLUTION 36**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HJR 36**.

**MOMENT OF SILENCE OBSERVED**

At the request of Senator Lucio, the Senate observed a moment of silence in honor of the victims of last night's storms in Eagle Pass.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
April 25, 2007

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

JA\_008986

USA\_00023868

Wednesday, April 25, 2007

SENATE JOURNAL

1261

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 218**, Relating to requiring a voter to present proof of identification.

**HB 2136**, Relating to public disclosure of student referrals for services made by counselors in public schools.

**HCR 97**; Urging the U.S. Department of Labor to reconsider the proposed reduction in student training slots at the Gary Job Corps Center in San Marcos, Texas.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### PHYSICIAN OF THE DAY

Senator Lucio was recognized and presented Dr. Jose Ugarte of Kingsville as the Physician of the Day.

The Senate welcomed Dr. Ugarte and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

#### BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 456, SB 657, SB 740**.

#### GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a group of students from Vista Ridge High School in Cedar Park.

The Senate welcomed its guests.

#### GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a group of students from Pflugerville High School in Pflugerville.

The Senate welcomed its guests.

#### SENATE RESOLUTION 826

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas joins citizens around the state in celebrating April 25, 2007, as National Pan-Hellenic Council of Texas Day at the State Capitol; and

WHEREAS, The National Pan-Hellenic Council, Incorporated, is composed of nine international Greek letter sororities and fraternities; it promotes interaction among its members through forums and meetings and engages in cooperative programming and initiatives through various activities and functions; and

WHEREAS, The members of the National Pan-Hellenic Council of Texas are joining such organizations as Big Brothers Big Sisters, Communities in Schools, the Boys and Girls Clubs, and Avance and Amachi to discuss their statewide mentoring initiatives with legislators and state officials; and

JA\_008987

USA\_00023869

Thursday, April 26, 2007

## SENATE JOURNAL

1371

Austin, Texas  
 April 25, 2007

## TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Optometry Board for terms to expire January 31, 2013:

Melvin G. Cleveland, Jr., O.D.  
 Arlington, Texas  
 (replacing Fred Farias of McAllen whose term expired)

Virginia Sosa, O.D.  
 Uvalde, Texas  
 (replacing Sharon Johnson of Arlington whose term expired)

To be the Pecos River Compact Commissioner for a term to expire January 23, 2011:

Julian W. Thrasher, Jr.  
 Monahans, Texas  
 (Mr. Thrasher is being reappointed)

To be members of the Credit Union Commission for terms to expire February 15, 2013:

Allyson Truax Morrow  
 San Benito, Texas  
 (replacing Rufino Carbajal of El Paso whose term expired)

Dale E. Kimble  
 Denton, Texas  
 (Reappointment)

Thomas Felton Butler  
 Deer Park, Texas  
 (Reappointment)

To be members of the Texas State Affordable Housing Corporation Board of Directors for terms to expire February 1, 2013:

Jo Van Hovel  
 Temple, Texas  
 Thomas A. Leeper  
 Huntsville, Texas  
 (Ms. Hovel and Mr. Leeper are being reappointed)

Respectfully submitted,

/s/Rick Perry  
 Governor

**SENATE RULE 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**

On motion of Senator Brimer and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

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1372

80th Legislature — Regular Session

49th Day

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills and resolution today: **SB 154, SB 1929, HCR 173.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills tomorrow:

**SB 1341, SB 1985, SB 2007, SB 2038.**

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:13 p.m. agreed to adjourn, in memory of Corporal Ray Michael Bevel of Andrews, the Honorable Billy Wayne Clayton, the Honorable R. Temple Dickson III, the Honorable Henry C. Grover, the Honorable Frank L. Madla, Jr., the Honorable James Kuykendall Wade, and the Honorable Doyle Henry Willis, Sr., upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

**HB 56** to Committee on Health and Human Services.  
**HB 100** to Committee on Transportation and Homeland Security.  
**HB 120** to Subcommittee on Higher Education.  
**HB 142** to Committee on Finance.  
**HB 185** to Committee on Criminal Justice.  
**HB 198** to Committee on Criminal Justice.  
**HB 210** to Committee on Transportation and Homeland Security.  
**HB 218** to Committee on State Affairs.  
**HB 264** to Committee on Finance.  
**HB 273** to Committee on Education.  
**HB 371** to Committee on Criminal Justice.  
**HB 563** to Committee on Transportation and Homeland Security.  
**HB 588** to Committee on Transportation and Homeland Security.  
**HB 589** to Subcommittee on Higher Education.  
**HB 681** to Committee on Criminal Justice.  
**HB 730** to Committee on Intergovernmental Relations.  
**HB 818** to Committee on Jurisprudence.  
**HB 892** to Committee on Intergovernmental Relations.  
**HB 914** to Committee on Criminal Justice.  
**HB 948** to Committee on Health and Human Services.  
**HB 1022** to Committee on Finance.

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Tuesday, May 1, 2007

## SENATE JOURNAL

1573

**HB 3060** to Committee on Jurisprudence.  
**HB 3063** to Committee on Jurisprudence.  
**HB 3132** to Committee on Intergovernmental Relations.  
**HB 3158** to Committee on Natural Resources.  
**HB 3249** to Committee on Administration.  
**HB 3322** to Committee on State Affairs.  
**HB 3350** to Committee on State Affairs.  
**HB 3410** to Committee on Intergovernmental Relations.  
**HB 3446** to Committee on Business and Commerce.  
**HB 3517** to Committee on Intergovernmental Relations.  
**HB 3694** to Subcommittee on Emerging Technologies and Economic Development.  
**HB 3732** to Committee on Natural Resources.  
**HB 3765** to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.  
**HB 4062** to Committee on Health and Human Services.  
**HB 4094** to Committee on Jurisprudence.  
**HCR 96** to Committee on Criminal Justice.  
**HCR 97** to Committee on Education.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 934** by Ellis, In memory of Jonathan Michael Bailey.  
**SR 939** by West, In memory of Lillian M. Cooper of Dallas.  
**HCR 226** (Eltife), In memory of Constable Dale David Geddie of Winona.

**Congratulatory Resolutions**

**SR 935** by Ellis, Recognizing Donald Wayne Haynes on the occasion of his retirement from the Houston Fire Department.  
**SR 936** by Ellis, Recognizing Pascual Lazaro Herrera and Constance Lee Toler-Herrera on the occasion of their 50th wedding anniversary.  
**SR 937** by Lucio, Recognizing Diana Castaneda Castillo for her 30 years of service to Lincoln Park High School in Brownsville.  
**SR 938** by Brimer, Commending Russell K. Tolman for his service to Cook Children's Health Care System.  
**SR 940** by Lucio, Recognizing Kautsch True Value Hardware and Lumber in Alamo on the occasion of its 75th anniversary.  
**HCR 204** (Duncan), Commemorating the 75th anniversary of the founding of Shannon Medical Center in San Angelo.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 6:08 p.m. adjourned until 11:00 a.m. tomorrow.

JA\_008990

USA\_00023872

1574

80th Legislature — Regular Session

52nd Day

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## APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 1, 2007

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 154**

ADMINISTRATION — **CSHJR 19**

GOVERNMENT ORGANIZATION — **SB 933, SCR 38, HCR 15, HCR 30, HB 119, HB 1449, HB 2054**

FINANCE — **CSSB 2031**

BUSINESS AND COMMERCE — **SCR 60**

NATURAL RESOURCES — **CSSB 1341**

STATE AFFAIRS — **CSHB 218**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1929**

GOVERNMENT ORGANIZATION — **CSHB 66**

### SENT TO GOVERNOR

May 1, 2007

**SB 430, SB 432, SCR 69**

JA\_008991

USA\_00023873

1634

80th Legislature — Regular Session

54th Day

darkness and take the hand of God. That shall be better for you than a light and safer than a known way." We sincerely ask these things in the name of Your son, the living savior, Jesus Christ our Lord. Amen.

Senator Wentworth moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

#### **CO-AUTHORS OF SENATE BILL 666**

On motion of Senator Carona, Senators Shapleigh and Uresti will be shown as Co-authors of **SB 666**.

#### **CO-AUTHOR OF SENATE BILL 972**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 972**.

#### **CO-AUTHORS OF SENATE BILL 1283**

On motion of Senator Van de Putte, Senators Gallegos and Lucio will be shown as Co-authors of **SB 1283**.

#### **CO-AUTHOR OF SENATE BILL 1908**

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 1908**.

#### **CO-AUTHORS OF SENATE BILL 2041**

On motion of Senator Uresti, Senators Nelson and Wentworth will be shown as Co-authors of **SB 2041**.

#### **CO-AUTHORS OF SENATE JOINT RESOLUTION 29**

On motion of Senator Carona, Senators Shapleigh and Uresti will be shown as Co-authors of **SJR 29**.

#### **CO-SPONSOR OF HOUSE BILL 218**

On motion of Senator Fraser, Senator Jackson will be shown as Co-sponsor of **HB 218**.

#### **CO-SPONSOR OF HOUSE BILL 3678**

On motion of Senator Williams, Senator Patrick will be shown as Co-sponsor of **HB 3678**.

#### **MESSAGE FROM THE HOUSE**

##### **HOUSE CHAMBER**

Austin, Texas

May 3, 2007

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

JA\_008992

USA\_00023874

# SENATE JOURNAL

## EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

### PROCEEDINGS

#### SIXTY-THIRD DAY (Wednesday, May 16, 2007)

The Senate met at 11:46 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Jerry House, Jr., Christ United Methodist Church, College Station, offered the invocation as follows:

Gracious God, the question was once asked, "What is it that You require?" Your response was that Your people do justice, love kindness, and walk humbly with You. Within these hallowed halls today are gathered courageous public servants who are diligently seeking to do just that. But the path of justice and kindness and humility is never comfortable, nor is it easy to travel on. And, so we call on You today to show us the way. Illumine the path and strengthen our resolve as we seek to do what You would have us do. And may the decisions made today bring honor to this great state. But, most importantly, may they bring us all one step closer to the kind of world in which You intend for us to live. Amen.

#### CO-AUTHOR OF SENATE BILL 1292

On motion of Senator Nelson, Senator Wentworth will be shown as Co-author of SB 1292.

#### CO-AUTHOR OF SENATE JOINT RESOLUTION 43

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of SJR 43.

#### CO-SPONSOR OF HOUSE BILL 13

On motion of Senator Carona, Senator Nelson will be shown as Co-sponsor of HB 13.

2140

80th Legislature — Regular Session

63rd Day

**CO-SPONSOR OF HOUSE BILL 41**

On motion of Senator Seliger, Senator Ellis will be shown as Co-sponsor of **HB 41**.

**CO-SPONSOR OF HOUSE BILL 218**

On motion of Senator Fraser, Senator Nelson will be shown as Co-sponsor of **HB 218**.

**CO-SPONSOR OF HOUSE BILL 662**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-sponsor of **HB 662**.

**CO-SPONSOR OF HOUSE BILL 1230**

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-sponsor of **HB 1230**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

May 16, 2007

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 256**, Recalling S.B. 903 from the senate to the house for further consideration.

**SB 22**, Relating to long-term care insurance and a partnership for long-term care program.

(Amended)

**SB 64**, Relating to the reporting of political contributions accepted or political expenditures made near an election; providing a civil penalty.  
(Committee Substitute)

**SB 75**, Relating to penalties for certain repeat and habitual felony sex offenders.

**SB 82**, Relating to safety regulations for certain public school extracurricular activities.  
(Committee Substitute/Amended)

**SB 99**, Relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias.

**SB 143**, Relating to fetal and infant mortality review and health warnings related to fetal and infant mortality; imposing a penalty.  
(Amended)

JA\_008994

USA\_00023876

Wednesday, March 2, 2005

HOUSE JOURNAL — 26th Day

529

Energy Resources will reconvene at 12:30 p.m. today, E1.010.

(Hill in the chair)

#### PROVIDING FOR ADJOURNMENT

Representative Gonzales moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Filomeno Escobar of San Antonio.

The motion prevailed.

#### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Goodman in the chair)

#### ADJOURNMENT

In accordance with a previous motion, the house, at 11:47 a.m., adjourned until 10 a.m. tomorrow.

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#### ADDENDUM

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#### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

##### List No. 1

**HB 4** (By Grusendorf), Relating to the use of technology by public schools.  
To Public Education.

**HB 1659** (By Chavez), Relating to the designation of certain areas of this state as enterprise zones under the enterprise zone program.  
To Economic Development.

**HB 1660** (By Chavez), Relating to a cross-border language training program for language teachers.  
To Public Education.

**HB 1661** (By Martinez Fischer), Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or mandatory supervision.  
To Corrections.

JA\_008995

USA\_00023877

Wednesday, March 2, 2005

HOUSE JOURNAL — 26th Day

533

**HB 1702** (By Van Arsdale), Relating to transferring the powers and duties over railroads from the Railroad Commission of Texas to the Texas Department of Transportation.

To Energy Resources.

**HB 1703** (By Kuempel), Relating to the hunting of certain wounded or dangerous wildlife.

To Culture, Recreation, and Tourism.

**HB 1704** (By Kuempel), Relating to the approval of certain permit applications by local governments.

To Land and Resource Management.

**HB 1705** (By Bonnen), Relating to the release of a solid waste in connection with dredging and placement or storage of dredged material by a political subdivision.

To Environmental Regulation.

**HB 1706** (By Denny), Relating to requiring a voter to present proof of identification.

To Elections.

**HB 1707** (By Puente), Relating to county jail population reports.

To County Affairs.

**HB 1708** (By Baxter), Relating to the applicability of state ethics laws to and indemnification of directors of regional mobility authorities; providing penalties.

To Elections.

**HB 1709** (By Alonzo), Relating to the licensing of health care practitioners from foreign jurisdictions.

To Public Health.

**HB 1710** (By Alonzo), Relating to use of a credit score by a business or lender.

To Business and Industry.

**HB 1711** (By Alonzo), Relating to funding of economic development and job training in certain counties with a high unemployment rate.

To Economic Development.

**HB 1712** (By McClendon), Relating to authorizing the issuance of revenue bonds for The University of Texas at San Antonio.

To Higher Education.

**HB 1713** (By McClendon), Relating to authorizing the issuance of revenue bonds for The University of Texas at San Antonio.

To Higher Education.

**HB 1714** (By Zedler), Relating to the offense of murder of a child.

To Criminal Jurisprudence.

JA\_008996

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1616

79th LEGISLATURE — REGULAR SESSION

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#### ADDENDUM

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#### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

**HB 3522** (By Taylor), Relating to the creation of the West Ranch Management District; providing authority to impose a tax and issue a bond or similar obligation and granting a limited power of eminent domain.

To Urban Affairs.

**HB 3524** (By Gattis), Relating to the creation of the Williamson County Municipal Utility District No. 19; providing authority to impose a tax and issue bonds.

To Natural Resources.

**HB 3526** (By Hochberg), Relating to the creation of the Greater Sharpstown Management District; providing authority to levy an assessment, impose a tax and issue a bond or similar obligation.

To Urban Affairs.

**HB 3529** (By Vo), Relating to the creation of the International Management District; providing authority to levy an assessment, impose taxes and issue bonds.

To Urban Affairs.

**SB 359** to Business and Industry.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 1874** (By Otto), Relating to the application of the motor vehicle sales tax emissions reduction surcharge on certain recreational vehicles.

To Ways and Means.

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#### APPENDIX

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#### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 6**

Criminal Jurisprudence - **HB 197**

Elections - **HB 1706**

Thursday, April 7, 2005 HOUSE JOURNAL — 45th Day

1617

Environmental Regulation - **HB 2131, HB 2949**  
Government Reform - **HB 1459**  
Insurance - **HB 1602, HB 2171, HB 2565, HB 2761, HB 2870, HB 2871, HB 2872**  
Land and Resource Management - **HB 585, HB 2619, HB 2748, HB 2921, HB 3101, HJR 82**  
Law Enforcement - **HB 264, HB 1438**  
Licensing and Administrative Procedures - **HB 1549, HB 1817**  
Natural Resources - **HB 828**  
Public Health - **HB 836, HB 1155, HB 1435, HB 1457, HB 1604, HB 1771**  
State Affairs - **HB 860, HB 2191, HB 2377, HB 2379**  
Transportation - **HB 754, HB 1672, HB 1814, HB 2137, HB 2659, HB 2705, HB 2958, HB 3020, SB 280**  
Ways and Means - **HB 726, HB 809, HB 1185, HB 1528, HB 2080, HJR 32**

**ENGROSSED**

April 6 - **HB 25, HB 157, HB 207, HB 417, HB 484, HB 551, HB 773, HB 872, HB 918, HB 933, HB 1025, HB 1076, HB 1162, HB 1170, HB 1328, HB 1367, HB 1489, HB 1596, HB 1924, HB 2104, HB 2273, HB 2307**

**SENT TO THE GOVERNOR**

April 6 - **HCR 74, HCR 127, HCR 139, HCR 140**

JA\_008998

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Tuesday, April 19, 2005 HOUSE JOURNAL — 51st Day

1873

**BILLS RECOMMITTED**

Representative Denny moved to recommit the following bills to the Committee on Elections: **HB 1706, HB 1945, HB 2068, HB 2069, HB 2202, HB 2322, and HB 2511.**

The motion prevailed.

**EMERGENCY CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 6 ON SECOND READING**

(Hupp, Uresti, Reyna, Goodman, Naishat, et al. - House Sponsors)

**CSSB 6**, A bill to be entitled An Act relating to protective services; providing penalties.

(Speaker in the chair)

**Amendment No. 1**

Representative Hupp offered the following amendment to **CSSB 6**:

Amend **CSSB 6**, in SECTION 1.11(a) of the bill, by striking amended Section 261.107(a), Family Code (House committee printing page 8, lines 2-8), and substituting the following:

(a) A person commits an offense if, with the intent to deceive, the person knowingly [er intentionally] makes a report as provided in this chapter that [the person knows] is false [er lacks factual foundation]. An offense under this section is a state jail felony [Class A misdemeanor] unless it is shown on the trial of the offense that the person has previously been convicted under this section, in which case the offense is a [state jail] felony of the third degree.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Naishat and Hupp offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (House Committee printing, page 59, line 9-page 66, line 24) by striking Section 1.45 of the bill and substituting the following:

SECTION 1.45. (a) Subtitle E, Title 5, Family Code, is amended by adding Chapter 266 to read as follows:

**CHAPTER 266. MEDICAL CARE AND EDUCATIONAL SERVICES FOR CHILDREN IN FOSTER CARE**  
**SUBCHAPTER A. GENERAL PROVISIONS**

**Sec. 266.001. DEFINITIONS.** In this chapter:

- (1) "Commission" means the Health and Human Services Commission.
- (2) "Department" means the Department of Family and Protective Services.

Thursday, April 21, 2005 HOUSE JOURNAL — 53rd Day 2125

**SB 442** Hinojosa  
Relating to immunity from liability for certain civil actions and civil actions against sales agents.

**SB 729** Wentworth  
Relating to a weighted caseload study of the district courts.

**SB 1032** Ellis  
Relating to the elimination of certain alternative fuels programs of this state.

**SB 1069** Madla  
Relating to organizing certain data collected by the Department of State Health Services.

**SB 1309** Ellis  
Relating to member restrictions for commissioners of the Texas Workforce Commission.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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#### APPENDIX

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#### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 20**

Agriculture and Livestock - **HB 3275**

Business and Industry - **HB 1146**

Civil Practices - **HB 616**

Corrections - **HB 43**

County Affairs - **HB 647, HB 664, HB 1165, HB 1444, HB 1468, HB 1584, HB 1610, HB 1915**

Criminal Jurisprudence - **HB 254, HB 1048, HB 1249, HB 1484, HB 2767, HB 3010**

Culture, Recreation, and Tourism - **HB 3269**

Defense Affairs and State-Federal Relations - **HB 2931, HB 3111, HB 3116, SB 101, SB 1342**

Elections - **HB 1706, HB 1942, HB 1945, HB 2059, HB 2068, HB 2069, HB 2202, HB 2322, HB 2405, HB 2511, HB 2783**

Financial Institutions - **HB 628, HB 2223**

Higher Education - **HB 1274, HB 2806, HB 3001**

House Administration - **HR 703, HR 704**

2786

## 79th LEGISLATURE — REGULAR SESSION

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 374** (29 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 4**

Agriculture and Livestock - **SB 1091, SB 1428, SB 1680, SB 1708**

Business and Industry - **SB 149, SB 327, SB 335, SB 1593**

Civil Practices - **HB 852, SB 15**

Corrections - **HB 196, HB 1896, HB 2711**

County Affairs - **HB 602, HB 1017, HB 2235, HB 2618, HB 2829, HB 2845, HB 2957, HB 3552, SB 718, SB 1435, SB 1437**

Criminal Jurisprudence - **HB 781, HB 1075, HB 1425, HB 1859, HB 2258, HB 2271, HB 2343, HB 3131, SB 56, SB 599, SB 611, SB 1005, SB 1126, SJR 17**

Culture, Recreation, and Tourism - **HB 552, HB 1303, HB 1636, HB 2026, HB 2052, HB 2895, HB 2938, HB 3309, HCR 34, HCR 98, HCR 105, HCR 108, HCR 111, HCR 115, HCR 117, HCR 131, SCR 22**

Elections - **SB 895, SB 896, SB 1011**

Energy Resources - **HCR 96, SB 1103, SCR 6**

Environmental Regulation - **SB 1281**

Financial Institutions - **HB 3428**

Government Reform - **HB 1516, HB 2593**

Higher Education - **HB 133, HB 1748, HB 1791, HB 1931, HB 3005**

Human Services - **HB 1756, HB 3067**

Insurance - **HB 2965, SB 50, SB 53, SB 449, SB 500, SB 781**

Judiciary - **HB 2596, HB 3441**

Land and Resource Management - **HB 1632, HB 1772, SB 200**

Licensing and Administrative Procedures - **HB 3196**

JA\_009001

USA\_00023883

Thursday, May 5, 2005      HOUSE JOURNAL — 63rd Day

2787

Natural Resources - **HB 1223, HB 2424, HB 2429, HB 3524, SB 547**  
Pensions and Investments - **HB 1795**  
Public Health - **HB 677, HB 820, HB 929, HB 3174**  
State Affairs - **HB 908, HB 3314, SB 220, SB 286**  
Transportation - **HB 2402, SB 1074**  
Ways and Means - **HB 3406**

**ENGROSSED**

**May 4 - HB 283, HB 1095, HB 1249, HB 1706, HB 2405, HB 3115**

JA\_009002

USA\_00023884

1582

79th Legislature — Regular Session

62nd Day

foreign lands this day. Lord, with respect to all those of diverse religious faiths, we humbly submit this prayer to You in the name of our lord, Jesus Christ. Amen.

**Pledge of Allegiance**

At the request of the President, Senators Hinojosa, Lindsay, Ogden, and Wentworth joined him at the President's Rostrum as they led the Senate in the pledge of allegiance to the flag of the United States of America.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

**LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Lucio was granted leave of absence for today on account of illness.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 21**

On motion of Senator Barrientos, Senator Wentworth will be shown as Co-author of SCR 21.

**BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 481**.

**PERMISSION TO INTRODUCE BILL AND RESOLUTION**

Senator Whitmire moved to suspend Senate Rule 7.07(b) and Section 5, Article III, of the Texas Constitution to permit the introduction of the following bill and resolution: **SB 1893, SJR 45**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
May 4, 2005

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 159**, Relating to expenditures of funds by a school district to advertise a referendum.

JA\_009003

USA\_00023885

Wednesday, May 4, 2005

SENATE JOURNAL

1583

**HB 283**, Relating to admission, assignment, and conduct of certain public school students.

**HB 664**, Relating to consideration of a bidder's principal place of business in awarding certain municipal and school district contracts.

**HB 1048**, Relating to the forfeiture of contraband used or intended to be used in the commission of certain criminal offenses.

**HB 1095**, Relating to the offense of harassment by persons in certain correctional facilities and to creating the offense of harassment of public servant.

**HB 1172**, Relating to the tuition charged to resident undergraduate students of institutions of higher education for excess credit hours and to related formula funding.

**HB 1235**, Relating to the notice required for a sale of real property under a contract lien.

**HB 1249**, Relating to criminal punishment for aggressive driving that results in the death of a person.

**HB 1426**, Relating to the confidentiality of certain information in a rabies vaccination certificate.

**HB 1579**, Relating to contributions and eligibility for benefits of and reports concerning certain retired members of the Teacher Retirement System of Texas; imposing a penalty.

**HB 1706**, Relating to requiring a voter to present proof of identification.

**HB 1919**, Relating to notice in certain real property transactions concerning public improvement districts.

**HB 1986**, Relating to the administration and powers of a coordinated county transportation authority.

**HB 2135**, Relating to the creation of a tourist-oriented directional sign program.

**HB 2241**, Relating to the authority of certain municipalities to require a contract between a municipal utility district and the municipality before the district issues obligations.

**HB 2405**, Relating to prohibiting a person not entitled to receive an early voting ballot by mail from casting that ballot; providing a criminal penalty.

**HB 2623**, Relating to the distribution by the Texas Department of Transportation of certain assistance for the repair and maintenance of county roads.

**HB 2799**, Relating to the removal of vehicles and property from a roadway in a political subdivision, to the authority of a political subdivision to establish a traffic incident management program, and to procedures regarding the removal and storage of certain vehicles.

**HB 2966**, Relating to the criminal penalty for violating certain statutes enforceable by, or ordinances, rules, or regulations of, navigation districts or port authorities.

JA\_009004

USA\_00023886

1654

79th Legislature — Regular Session

63rd Day

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:53 p.m. agreed to adjourn, in memory of the life of Norman Lee Malone of La Porte, upon completion of the introduction of bills and resolutions on first reading, until 9:30 a.m. tomorrow.

(Senator Fraser in Chair)

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

HB 135 to Committee on Business and Commerce.  
 HB 159 to Committee on Education.  
 HB 283 to Committee on Education.  
 HB 629 to Committee on Business and Commerce.  
 HB 664 to Committee on Intergovernmental Relations.  
 HB 853 to Committee on Business and Commerce.  
 HB 1048 to Committee on Criminal Justice.  
 HB 1095 to Committee on Criminal Justice.  
 HB 1172 to Subcommittee on Higher Education.  
 HB 1235 to Committee on Business and Commerce.  
 HB 1249 to Committee on Criminal Justice.  
 HB 1426 to Committee on State Affairs.  
 HB 1579 to Committee on State Affairs.  
 HB 1706 to Committee on State Affairs.  
 HB 1919 to Committee on Intergovernmental Relations.  
 HB 1986 to Committee on Transportation and Homeland Security.  
 HB 2135 to Committee on Intergovernmental Relations.  
 HB 2241 to Committee on Intergovernmental Relations.  
 HB 2405 to Committee on State Affairs.  
 HB 2581 to Committee on Business and Commerce.  
 HB 2623 to Committee on Transportation and Homeland Security.  
 HB 2799 to Committee on Transportation and Homeland Security.  
 HB 2966 to Committee on Intergovernmental Relations.  
 HB 3115 to Committee on Transportation and Homeland Security.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

SR 795 by Armbrister, In memory of Cherie Shelton Von Dohlen of Goliad and Austin.

HCR 102 (Wentworth), In memory of G. W. Worth, Jr., of San Antonio.

**Congratulatory Resolutions**

SR 793 by Seliger, Congratulating the basketball team of Morton High School in Morton for winning a state championship.

JA\_009005

USA\_00023887

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CONSIDERATION OF SENATE BILL 14 1/25/2011

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